

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

| | | |
|--------------------------------|---|---------------------------------|
| IN THE MATTER OF AMENDING THE |) | |
| GUIDELINES FOR OBTAINING AN |) | |
| AMUSEMENT LICENSE FOR A PUBLIC |) | RESOLUTION NO. <u>R-17-0006</u> |
| EVENT |) | |

WHEREAS, pursuant to Neb. Rev. Stat. §§ 23-813 through 23-818, the Lancaster County Board of County Commissioners (“County Board”) is responsible for review and issuance of licenses for dance halls, roadhouses, carnivals, shows, and amusement parks;

WHEREAS, the County Board wishes to provide specific guidelines to assist applicants as well as Lancaster County Departments in the filing and review process related to the issuance of these licenses;

WHEREAS, the County Board previously adopted Guidelines for Obtaining an Amusement Licenses for a Public Event(s) (“Guidelines”) pursuant to Resolution No. R-03-0120 after public hearing on November 18, 2003;

WHEREAS, the County Board recently updated its insurance requirements for County contracts;

WHEREAS, the County Board wishes to amend the insurance requirements in the existing Guidelines to conform to its insurance requirements for County contracts, and to make miscellaneous changes throughout the Guidelines;

WHEREAS, the County Board conducted a public meeting on January 17, 2017, regarding the amendment of the Guidelines; and

WHEREAS, during the public meeting, the County Board voted to APPROVE the amendments to the Guidelines;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Guidelines for Obtaining an Amusement License for a Public Event(s) be amended by replacing the "Liability Insurance Requirements" contained in the current Special Events Guidelines, as adopted by County Resolution No. R-03-0120, with the "Liability Insurance Requirements" provided in Attachment A, which Attachment is attached hereto and incorporated herein by this reference;

AND BE IT FURTHER RESOLVED, that the Lancaster County Clerk is directed to maintain copies of said updated Guidelines on file in his/her office and provide the same to an Applicant upon request.

DATED this 17 day of January, 2017, in the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM
this 17 day of
January, 2017.

Deputy County Attorney

for JOE KELLY
Lancaster County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

Topol Witek
Kama Krum
Jeffrey J. Bunker
Bill Alley
Deb Schorr

Liability Insurance Requirements

The Applicant will indemnify and hold harmless, to the fullest extent allowed by law, Lancaster County, Nebraska from and against all losses, claims, damages and expenses, including attorney's fees, arising out of and resulting from the issuance of an amusement license to the applicant that results in bodily injury, sickness, disease, death or injury to or destruction of tangible property, including the loss of use resulting therefrom and is caused in whole or in part by the applicant, any subcontractor, anyone directly or indirectly employed by any of them, anyone for whose acts any of them may be liable, or anyone attending any event held pursuant to an amusement license held by the applicant.

The Applicant shall, prior to the Event, provide proof of insurance coverage in a form satisfactory to the County, which shall not withhold approval unreasonably. The coverages and minimum levels required by this license are set forth below and shall be in effect for all dates and times of the Event pursuant to this License. The Event shall not commence under this License until all insurance obligations herein are met to the satisfaction of the County, which shall not unreasonably withhold approval. Self-insurance shall not be permitted unless consent is given by the County prior to execution of the License. Deductible levels shall be provided in writing from the Applicant's insurer and will be no more than \$10,000.00 per occurrence. The Applicant shall not allow any subcontractor to commence any activity until all similar insurance required of the subcontractor has been so obtained and approved by the County.

1.1 Commercial General Liability

The Applicant shall provide proof of Commercial General Liability Insurance with the coverages and at the minimum limits set forth herein. These minimum limits can be met by primary and umbrella liability policies. Coverage shall include: Premises-Operations, Products/ Completed Operations, Contractual, Broad Form Property Damage, and Personal Injury and shall be no less than \$1,000,000 Each Occurrence and \$2,000,000 Aggregate. Such coverage shall be endorsed for the general aggregate to be on a **PER PROJECT** basis, and the Applicant shall provide an additional insured endorsement acceptable to the County. The description of operations must state "Blanket coverage for all projects and operations of Applicant" or similar language that meets the approval of the County, which approval shall not be unreasonably withheld.

1.2 Liquor Liability Insurance

If the Applicant plans to sell alcoholic beverages in conjunction with its Event, Applicant shall take out and maintain a host liquor liability insurance policy protecting the County against claims for damages from bodily injury, including wrongful death; personal injury liability; and property damage. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

\$1,000,000 Each Occurrence

\$5,000,000 Aggregate

2. Additional Insured

An Additional Insured endorsement shall be provided to County naming County as additional insureds using ISO additional insured endorsement (CG20 10), edition date 11/85, or an equivalent (e.g. CG 2010, edition date 10/93, plus CG 20 37, edition date 10101), under the commercial general liability policy and liquor liability policy. Said insurance shall be written on an **OCCURRENCE** basis, and shall be **PRIMARY, with any insurance coverage maintained by the County being secondary or excess.**

3. Certificates

The Applicant shall provide certificates of insurance and endorsements evidencing compliance with these requirements. Upon request, the Applicant shall furnish a full and complete copy of any policy of insurance, required by this Permit, to the County within a reasonable time, not to exceed thirty days. The certificates of insurance shall provide for at least thirty (30) days' firm written notice in the event of cancellation. Intent to notify is not acceptable. During the term of the Agreement and during the period of any required continuing coverages, the Applicant shall provide, prior to expiration of the policies, certificates and endorsements evidencing renewal insurance coverages. The parties agree that the failure of County to object to the form of a certificate and/or additional insured endorsement provided shall not constitute a waiver of this requirement. The original certificate and a copy shall be provided to the Lancaster County Clerk's office at 555 South 10th Street, Room 108, Lincoln, NE 68508. The Lancaster County Clerk's office will forward a copy to the Lancaster County Risk Manager.

4. Immunity

Nothing contained in this clause or other clauses of these Guidelines shall be construed to waive the Sovereign Immunity of the County.

5. Reservation of Rights

The County reserves the right to require a higher limit of insurance or additional coverages when the County determines that a higher limit or additional coverage is required to protect the County or the interests of the public. Such changes in limits or coverages shall be eligible for a change order or amendment to the Contract.